IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2765 OF 2007

Pandurang Undir Barashe .. Petitioner.

V/s.

The State of Maharashtra & Ors. .. Respondents.

Mr.L.S.Gaikwad for the Petitioner.

Mr.V.P.Malwankar, AGP for the Respondents 1 to 3.

CORAM : F.I. REBELLO AND
R.M. SAVANT, JJ.

DATED : 17th APRIL, 2007.

P.C.:

. It is the case of the petitioner that in view of the fact that he was a tenant of the land, pursuant to the provisions of the Agricultural Tenancy Act, he has become deemed owner thereof. The land was subject matter of the acquisition by Respondent No.4. It appears that the compensation has been taken by the landlords. Similarly, 12.5% of the land, which was to be allotted, has not yet been taken by the Landlord.

2. The grievance of the petitioner is that he is a tenant and as such he is entitled to receive both the compensation as also 12.5% of the land in terms of the government policy.

3. Once an Award is passed and compensation is paid, it is not possible for us to interfere in our extra ordinary jurisdiction. It will be open to the petitioner to take whatever steps he is entitled to against the landlord for the compensation received, including by way of filing a suit in a competent court.

4. So far as 12.5% of the land is concerned, if the petitioner succeeds in the suit then he would be entitled to a direction to the respondent No.4, which will then be bound to comply with the concerned G.R. for allotment of land.

5. With the above observations, the petition is disposed of.

(F.I.REBELLO,J.)

(R.M.SAVANT,J.)

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